

REMARKS

Claims 2-4, 8, 9, 13 and 16-18 are all the claims pending in the present application.

Claims 16-18 are withdrawn from consideration. In summary, the Examiner now applies a new reference Goulden et al. (U.S. Patent No. 5,956,025) to support the claim rejections.

Specifically, claims 2-4, 8, 9 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Goulden. Applicant traverses these rejections at least based on the following reasons.

Goulden is directed to a remote control device for a home entertainment system having a GUI with touch screen functionality. The visible part of the GUI is hierarchically organized in several control levels. All levels have consistent lay-outs with a first area for selectable items in a first location, a second area with controls for the selected one of the items in a second location and a third area for content data relating to the selected item in a third location. The spatial relationship between locations and areas is maintained throughout the levels. Such a GUI contributes significantly to the user-friendliness of the home entertainment system. *See Abstract of Goulden.*

With respect to independent claim 2, Applicant submits that Goulden does not teach or suggest at least, "wherein the client device establishes said communication channel with respect to the server devices by periodic polling in the step (a), wherein said periodic polling occurs at regular intervals," as recited in claim 2. The Examiner cites col. 5, line 61 - col. 7, lines 1-9 as allegedly satisfying the above-quoted feature. The cited portion of Goulden discusses how devices within subsystems 102-112 are controlled. Specifically, the cited portion of Goulden discusses using touch on a GUI controlled subsystems. Goulden indicates that the control methods described therein are advantageous over the traditional methods of using several remote controls to control

home entertainment systems. However, nowhere does Goulden even mention that a client device establishes a communication channel with respect to server devices using periodic polling, where the periodic polling occurs at regular intervals.

Further, with respect to independent claim 2, it appears that the Examiner believes that control device 118 corresponds to the claimed client device which establishes the communication channel with respect to server devices. However, the system 100 as shown in Fig. 1 of Goulden does not distinguish between client devices and server devices. The system thereof only discusses controlling various electronic devices within a system. Therefore, since there is no distinction between server devices and client devices, clearly there is no client device in Goulden that establishes a communication channel with server devices.

Yet further, to the extent that the Examiner believes that the control device 118 corresponds to the claimed client device, one of ordinary skill in the art still would not consider the subsystems 102-112 to represent server devices, as these subsystems only represent different electronic components within the system 100.

Therefore, at least based on the foregoing, Applicant submits that independent claim 2 is patentably distinguishable over Goulden.

Applicant submits that independent claim 13 is patentable at least based on reasons similar to those set forth above with respect to claim 2.

Applicant submits that dependent claims 3, 4, 8 and 9 are patentable at least by virtue of their indirect or direct dependency from independent claim 2.

Further, with respect to claim 3, the Examiner acknowledges that the features of this claim are not satisfied by Goulden, however the Examiner summarily alleges that a JAVA applet would have been incorporated into the invention of Goulden. In response, Applicant respectfully

submits that the Examiner has not established a *prima facie* case of obviousness as the Examiner has not demonstrated that the applied reference satisfies the feature of a JAVA applet. Further, even if, *arguendo*, a JAVA applet is known in the art, there is no indication of how a JAVA applet would be incorporated into the invention of Goulden. The Examiner is obviously utilizing impermissible hindsight reasoning in determining that the features of claim 3 would have been obvious to incorporate into Goulden.

At least based on the foregoing, Applicant submits that claims 2-4, 8, 9, 13 and 16-18 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

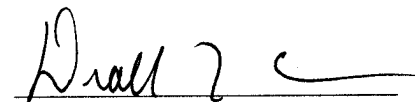
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